

County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 9, 2008

TO: Stephen Gardner, Project Manager
Land Use Review

FROM: Kelly Williams, Planner *CSW*
Community Planning

SUBJECT: ZMAP 2008-0002, Beaumeade Merritt Tract Rezoning

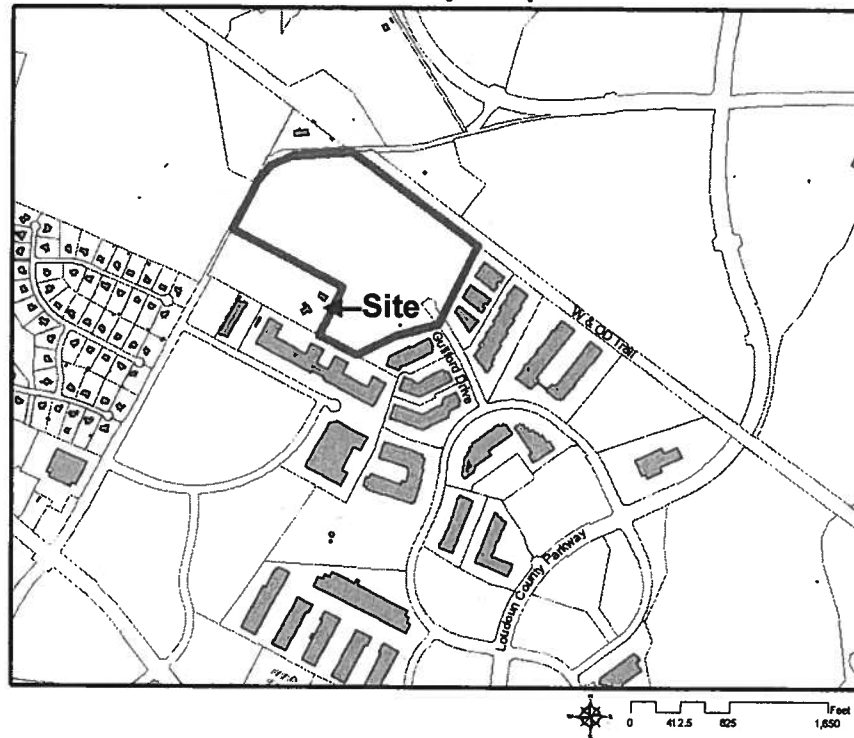
BACKGROUND

The applicant, Merritt Properties, LLC, is requesting a rezoning to convert a 45.74 acre parcel in the Beaumeade Merritt Tract from Planned Development Office Park (PD-IP) under the 1993 Zoning Ordinance to PD-IP in the Revised 1993 Zoning Ordinance. According to the Statement of Justification, the zoning ordinance conversion would allow up to a maximum of 0.4 FAR and allows greater flexibility in the potential uses that are allowed by-right and by special exception.

This site has been developed as part of the Beaumeade Corporate Park which was designed as a unified industrial park comprised of approximately 60 lots connected by a coordinated road system. The park has unified signage identifying its boundaries and landscaping that provides the park with a campus style appearance. The park was originally envisioned as an industrial park, however over time it has become more office and retail oriented. There have been several Special Exceptions associated with the overall Beaumeade Corporate Park that allow office, and flex office/industrial/warehousing. Other uses approved in the park are civic in nature, such as churches and schools.

The parcel subject to the rezoning application is approximately 45.74 acres and currently has four buildings constructed on-site. It is the intent of this application to rezone the entire parcel to PD-IP in accordance with the Revised 1993 Zoning Ordinance. The overall parcel is bounded by to the north by the W&OD trail, the south and east by the Beaumeade Corporate Park, and to the west by Smith Switch Drive.

Vicinity Map



COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is governed by the policies of the Revised General Plan. It is located within the Ashburn Community in the Suburban Policy Area and is designated for Business development (Revised General Plan, Planned Land Use Map, p. 7-23). The site is also located within the Route 28 Tax District. Light-Industrial uses, including flex, research and development, and smaller-scale manufacturing, are considered an integral component of Business areas (Revised General Plan, Policy 1, p. 6-29).

The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states that "[t]he County will look at incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance" (Revised General Plan, Policy 14, p. 4-10). As such, the proposed conversion to the most current zoning ordinance is appropriate.

Staff recommends approval of the zoning conversion.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning via e-mail

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From: Kelly Williams
To: Gardner, Stephen
CC: Keegan, Cynthia
Date: 6/17/2008 9:29 AM
Subject: Re: Beaumeade Merritt Tract (ZMAP 2008-0002)

I have no further comments on this application. Thanks

Kelly

>>> Stephen Gardner 6/16/2008 4:27 PM >>>
Kelly,

Will Community Planning be submitting a second referral for the Beaumeade Merritt Tract (ZMAP 2008-0002)?

Thanks,

Stephen Gardner

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ZONING ADMINISTRATION REFERRAL

DATE: March 31, 2008
TO: Stephen Gardner, Project Manager
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: ^{CL} Cindy Lintz, Zoning Administration
SUBJECT: ZMAP 2008-0002 Beaumeade Merritt Tract

LCTM: /80///7////B/ **MCPI:** 060-38-6623

The Zoning Administration has reviewed the first submission of the above referenced application and has the following comments:

1. Please include the address of the property: 44590 Guilford Dr., Ashburn, VA 20147.
2. County Records shows Steep slopes (moderate and very) on the property. Please label and show on the plan.
3. Site Note #20, the development should comply with Section 4-1400 of the **Revised** 1993 Zoning Ordinance.
4. According to County Records, the owner's zip code is 21244-2501.
5. Sheet 2 under Adjacent Property Owners, #2 land use is warehouse, and #10 land use is vacant.
6. Sheet 3, along the Northwest property line, the setback is 60' parking and 75' building according to Section 4-505(B)(2).
7. Please label the 25' building setback along the W&OD trail per Section 5-900.
8. In the Statement of Justification under property description, the rezoning appears to cover 44.76 acres not 45.74 acres.

ATTACHMENT 1 **b.**

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ZONING ADMINISTRATION REFERRAL

DATE: June 17, 2008
TO: Stephen Gardner, Project Manager
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Cindy Lintz, Zoning Administration
SUBJECT: ZMAP 2008-0002 Beaumeade Merritt Tract

LCTM: /80///7////B/ **MCPI:** 060-38-6623

ZONING ORDINANCE: 1972 remapping into the R1993 **ZONING DISTRICT:** PD-IP

The Zoning Administration has reviewed the second submission of the above referenced application and has the following comments:

Plat

1. Sheet 1, please change "applicant name" to "owner name" above the signature line.
2. CDP sheet 3: Please label MCPI #060-38-6623 as Parcel B to correspond to the proffer statement.

Proffer Statement

1. I suggest the first line read, "Merritt-Beaumeade, LLC, the owner of the property, described as Parcel B on Loudoun County Tax Map 80((7))B (PIN #060-38-6623-000), on behalf of themselves and their successors in interest, hereby voluntarily..."
2. The fourth line down on the first page shows "Parcels B." The parcel is singular. I suggest taking the "s" off parcels.
3. In the fifth line on the first page, I suggest including "**administered** under the Revised 1993 Zoning Ordinance" after PD-IP.
4. In the seventh line on the first page, I suggest after application to spell out the name of the application, "as Beaumeade Merritt Tract ZMAP 2008-0002 sheets 1 through 3."
5. The last line of the first page, I suggest the line read, "...effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0002 to change the zoning of the Property from PD-IP under the 1972 Zoning Ordinance to PD-IP under the Revised 1993 Zoning Ordinance submitted by the owner."
6. Page 2, first line, I suggest the line read, "...substantial conformance with Sheet 3 of 3 of the plan set entitled 'Beaumeade Merritt Tract,...' since there are no other matters shown on any other sheets that are referenced on sheet 3.
7. Page 2, starting in the fourth line down, I suggest deleting "and incorporated herein by reference as Exhibit A." Sheet 3 of the plat is Exhibit A.
8. Page 2, I suggest the fifth line down read, "The sheet identified as: Sheet 3 of 3 - "Concept Development Plat" (1'=200'), shall control..."
9. Page 2, six lines down, the Concept Development Plat has a scale of 1' = 200' according to the plat.
10. Page 2, all references to Loudoun County Sanitation Authority should be changed to Loudoun Water to reflect their new name (proffer II, lines 3 ,5; CDP note 11).
11. Although sheet 1 on the plat, site note #8 provides reference to the uses permitted per the R1993 Zoning Ordinance, I suggest that this note referencing the uses be included on either the proffered Sheet 3 or in the Proffer Statement.

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County of Loudoun
Office of Transportation Services
MEMORANDUM



DATE: April 9, 2008
TO: Stephen Gardner, Project Manager, Department of Planning
FROM: Art Smith, Senior Coordinator, Planning and Development *AS*
SUBJECT: ZMAP 2008-0002 Beaumeade Merritt Tract
First Referral

Background

This application is a Zoning Map Amendment to convert from PD-IP, governed under the 1993 Zoning Ordinance. The site contains approximately 45.74 acres and has approximately 1,400 linear feet of frontage along Smith Switch Road (Route 607). The site also receives access to Beaumeade Circle via Guilford Drive, a local road terminating in an on-site cul-de-sac. To the north the site is bounded by the W&OD trail. Please see Attachment 1, Site Vicinity Map.

Across Route 607 from the site is the Stonegate residential development. This applicant has provided right-of-way dedication and coordinated frontage improvements along Smith Switch Road with the developer of Stonegate. This applicant has an approved site plan for the development of 705,730 square feet of flex/office use and currently has four buildings on the site.

Transportation Issues

1. The County is working toward a streamlined process for doing traffic studies for zoning conversions. However, this is currently a work in progress. A report is being prepared for the April 28 meeting of the BOS Transportation/Land Use Committee that looks at roads, operating levels and traffic generation comparisons within the Route 28 Tax District. A map of the Route 28 Tax District is being prepared that will identify key roads, key link volumes both hourly and daily and intersection levels of service at primary at grade intersections. Also being prepared is written text that will include a description of the primary road status and will include a matrix evaluating the trip increases between the 1972 and 1993 Zoning Ordinances and 1993 and Revised 1993 Zoning Ordinances. George Phillips is coordinating with John

Merrithew to pull together the land use matrix and collect volumes and growth rates for road links, link volumes and LOS.

2. How to determine transportation improvements for zoning conversions, if any, is being considered. Please note this applicant is already working with the Stonegate project to provide improvements on Smith Switch Road. It would be appreciated if the applicant could document these improvements.

Conclusion

Staff looks forward to receiving guidance from the Board of Supervisors on streamlining the Zoning Conversion Traffic Study process. Coordination with the VDOT Section 527 traffic study requirements also needs consideration. Attachment 2 shows PD-IP Permitted Uses in the 1972 Zoning Ordinances as well as Permitted PD-IP Uses in the 1993 and Revised 1993 Zoning Ordinances as well as Special Exception PD-IP Uses in the three ordinances.

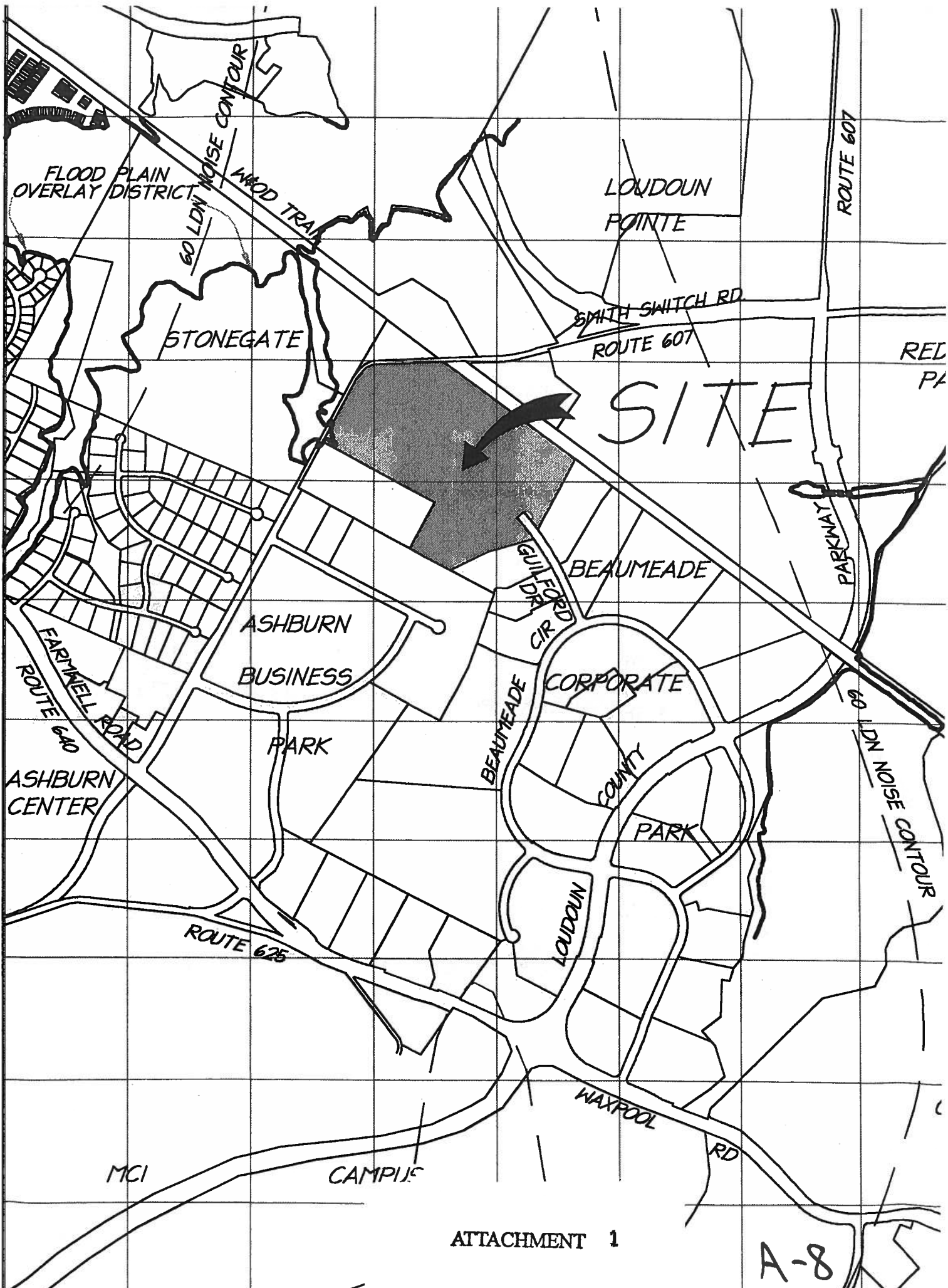
AJS/Ilm

Attachments

1. Project Vicinity Map
2. Permitted PD-IP Uses and Special Exception Uses in the 1972, 1993, Revised 1993 Zoning Ordinances

cc: Charles Yudd, Assistant County Administrator
Terrie Laycock, Interim OTS Director
Andy Beacher, Assistant Director/Highway Division Chief
John Merrithew, Department of Planning
George Phillips, Senior Transportation Planner

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1972 PD-IP Permitted Uses	R1993 PD-IP Permitted Uses.	1993 PD-IP Permitted Uses
<p>Agriculture Forestry/Fisheries Commercial Greenhouse Nurseries Pizza Delivery Construction Trailer Animal Boarding Kennels Textile Manufacturing and Processing Research and Development</p>	<p>Adult day care center. Agriculture, horticulture, forestry, or fishery. Commuter parking lot. Distribution facility. Facility for scheduled lessons such as: dance, gymnastics, judo and sports training. Flex industrial use, pursuant to Section 5-608. Office, administrative, business and professional, (i.e. office uses) provided:</p> <ol style="list-style-type: none"> (1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and (2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and (3) Office uses shall be the prominent features when viewed from adjacent roadways; and (4) Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and (5) Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and (6) Buildings which contain office uses shall contain two stories or more. <p>Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.</p>	<p>Adult day care center. Agriculture, horticulture, forestry, or fishery. Commuter parking lot. Distribution facility. Flex industrial use, pursuant to Section 5-608. Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery. Post office, drop off and pick up. Radio and television recording studio. Recycling drop off collection center, small, pursuant to Section 5-607. Research, experimental testing, or development activities. Wholesale trade establishment. Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total [allowable] floor area of the [industrial] park [shown on a concept development plan]. Bakery, commercial. Bank or financial institution, excluding drive-through facilities. Dwelling, accessory to a permitted or special exception use. Printing service. Warehousing facility. Auction house. Business service establishment. Health and fitness center. Park. Postal service, including overnight courier collection and overnight mail</p>

	<p>Post office.</p> <p>Radio and television recording studio.</p> <p>Recycling drop off collection center, small, pursuant to Section 5-607.</p> <p>Research, experimental testing, or development activities.</p> <p>Wholesale trade establishment.</p> <p>Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants excluding drive-through, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total allowable floor area of the industrial park shown on a concept development plan.</p> <p>Bakery, commercial.</p> <p>Bank or financial institution, pursuant to Section 5-659.</p> <p>Dwelling, accessory to a permitted or special exception use.</p> <p>Printing service.</p> <p>Warehousing facility, pursuant to Section 4-507(E).</p> <p>Auction house.</p> <p>Business service establishment.</p> <p>Health and fitness center.</p> <p>Park.</p> <p>Postal service, including overnight courier collection and overnight mail distribution facility.</p> <p>Restaurant, carry-out only.</p> <p>Water pumping station.</p> <p>Utility substation, dedicated.</p> <p>Conference or training center.</p> <p>Sewer pumping station.</p> <p>Utility substation, distribution, pursuant to Section 5-616.</p> <p>Church, synagogue, temple or mosque.</p> <p>Motor vehicle service and repair, light.</p> <p>Telecommunications antenna, pursuant to Section 5-618(A).</p> <p>Telecommunications monopole, pursuant to Section 5-618(B)(1).</p> <p>Funeral home, pursuant to Section 5-658.</p> <p>Training Facility.</p> <p>Interactive Science & Technology Center.</p> <p>Outdoor Storage, Accessory up to 10% of gross floor area of principal use.</p> <p>Contractor service establishment, excluding retail sales and outdoor storage.</p> <p>Recreation establishment, outdoor or indoor, provided:</p> <ol style="list-style-type: none"> (1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and (2) Recreation establishments shall 	<p>distribution facility.</p> <p>Restaurant, carry-out only.</p> <p>Water pumping station.</p> <p>Utility substation, dedicated.</p> <p>Conference or training center.</p> <p>Sewer pumping station.</p> <p>Utility substation, distribution, pursuant to Section 5-616.</p> <p>Church, synagogue, and temple.</p> <p>Motor vehicle service and repair, light.</p> <p>Removed pursuant to ZOAM 1995-0002.]</p> <p>[Telecommunications antenna, pursuant to Section 5-618(A).]</p> <p>Telecommunications monopole, pursuant to Section 5-618(B)(1).]</p>
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include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.

1972 PD-IP Special Exception Uses

Auto filling station (accessory car wash)
Commercial Office Building
Restaurant
Warehouses
Rental car facilities
Banks, Financial Institutions
Church, Convent(?)
Hotels, Motels
Business/Professional Office
Personal Service establishment
Enclosed Storage
Equipment and Materials Storage
Private Airport/Airstrip
Public Facility Utility
Water Treatment Plant
Commercial Recreation Facilities
Non-Commercial Recreation Facilities
RV Parks

R1993 PD-IP Special Exception Uses


Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).
Civic, social, fraternal association meeting place.
Educational institution.
Golf driving range.
Heliport, helistop.
Hospital, pursuant to Section 5-610.
Hotel/Motel, pursuant to Section 5-611.
Public utility service center with or without storage yard.
Sewage treatment plant.
Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total allowable floor area of the industrial park shown on a concept development plan.
Utility substation, transmission, pursuant to Section 5-616.
Utility transmission lines, overhead.
Water treatment plant.
Telecommunications monopole, pursuant to Section 5-618(B)(2).
Medical care facility, outpatient only.
Motor vehicle service and repair, heavy.
Printing service plant.
Child care center, pursuant to Section 5-609(B).
Fire and/or rescue station.
Dry cleaning plant.
Automotive service station.
Car wash.
Golf course.
Motor vehicle rental, with outdoor vehicle

1993 PD-IP Special Exception Uses

Office, administrative, business and professional, provided:
The specific site and size of each building or part thereof to be so used is identified as such on an approved development plan, and the plan for development demonstrates a coordinated relationship between planned industrial uses and the offices under consideration.
Civic, social, fraternal association meeting place.
Educational institution.
Facility for lessons in dance, gymnastics, judo and sports training.
Golf driving range.
Heliport, helistop.
Hospital, pursuant to Section 5-610.
Hotel, pursuant to Section 5-611.
Motel.
Public utility service center with or without storage yard.
Sewage treatment plant.
Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers and automobile service stations; but not to include such uses [as car repair except] in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total [allowable] floor area of the [industrial] park [shown on a concept development plan].
Utility substation, transmission, pursuant to Section 5-616.
Utility transmission lines, overhead.

	<p>storage only.</p> <p>Personal service establishment</p> <p>Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section 4-503(NN).</p> <p>Recycling drop-off collection center, large, pursuant to Section 5-607.</p> <p>Mass transit facilities and stations.</p> <p>Water storage tank.</p> <p>Firearm range, archery range, indoor.</p> <p>Gas pumps accessory to a convenience food store, pursuant to Section 5-617.</p> <p>Storage, outdoor accessory in excess of 10% of gross floor area of principal use.</p> <p>Parking Lot/Valet Service, Long-Term.</p> <p>Car wash, accessory to a convenience food store, pursuant to Section 5-617.</p> <p>School, public and private.</p> <p>Telecommunications tower, pursuant to Section 5-618(C)(2).</p> <p>Police station.</p> <p>Motorcycle or ATV sales, rental, repair and associated service.</p> <p>Animal hospital.</p> <p>Camp, day.</p>	<p>Water treatment plant.</p> <p>Telecommunications monopole, pursuant to Section 5-618(B)(2).</p> <p>Bank or financial institution, including drive-through facilities.</p> <p>Medical care facility, outpatient only.</p> <p>Motor vehicle service and repair, heavy.</p> <p>Printing service plant.</p> <p>Child care center, pursuant to Section 5-609(B).</p> <p>Contractor service establishment, excluding retail sales and outdoor storage.</p> <p>Fire and/or rescue station.</p> <p>Dry cleaning plant.</p> <p>Automotive service station.</p> <p>Car wash.</p> <p>Golf course.</p> <p>Motor vehicle rental, with outdoor vehicle storage only.</p> <p>Personal service establishment.</p> <p>Recreation establishment, [outdoor].</p> <p>Recycling drop-off collection center, large, pursuant to Section 5-607.</p> <p>Mass transit facilities and stations.</p> <p>Water storage tank.</p> <p>Firearm range, archery range, indoor.</p> <p>School, private, accessory to a church.]</p> <p>Gas pumps accessory to a convenience food store, pursuant to Section 5-617.]</p> <p>Storage, outdoor accessory.]</p> <p>Parking Lot/Valet Service, Long-Term.]</p> <p>Car wash, accessory to a convenience food store, pursuant to Section 5-617.]</p> <p>School, private.]</p> <p>Telecommunications tower, pursuant to Section 5-618(C)(2).]</p> <p>Police station.]</p>
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County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: June 16, 2008
TO: Stephen Gardner, Project Manager, Department of Planning
FROM: Art Smith, Senior Coordinator, Planning and Development 
SUBJECT: ZMAP 2008-0002
Beaumeade Merritt Tract
Second Referral

This referral will serve to update the status of the issues identified in the initial OTS referral on this application based on the response in the May 27, 2008 letter from Christopher Consultants.

Comment 1: The County is working toward a streamlined process for doing traffic studies for zoning conversions. However, this is currently a work in progress. A report is being prepared for the April 28 meeting of the BOS Transportation and Land Use Committee that looks at roads, operating levels and traffic generation comparisons within the Route 28 Tax District. A map of the Route 28 Tax District is being prepared that will identify key roads, key link volumes (both hourly and daily), and intersection levels of service at primary grade intersections. Also being prepared is written text that will include a description of the primary road status and will include a matrix evaluating the trip increases between the 1972 and 1993 Zoning Ordinances and the 1993 and Revised 1993 Zoning Ordinance. George Phillips is coordinating with John Merrithew to pull together the land use matrix and collect volumes and growth rates for road links, link volumes, and LOS.

Response: As part of the recent Special Exception application for a portion of this property, the applicant did a traffic study and made a monetary contribution for a traffic signal or other road improvements in the area.

Status: On May 20, 2008 the Board of Supervisors approved the use of a generalized traffic statement approach for Zoning Conversion Applications in the Route 28 Corridor. A report has been prepared for use in this process, Traffic Statement for Route 28 ZMAP Applications to the Current Zoning Ordinance (aka Zoning Conversions). This report was prepared jointly by County staff and private sector

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consultants with the cooperation of the local chapter of the National Association of Industrial and Office Properties (NAIOP).

In addition, the traffic study referred to in the response above was consulted. The traffic study was for SPEX 2008-0019 Beaumeade Gun Club. The background forecasts in the study assumed the development of seven buildings on the Merritt Tract as Flex-Industrial PD-IP land uses with a total daily weekday vehicle trip (dvt) total of 4,341. Conversion to the 1993 Loudoun County Ordinance would result in 7,711 dvt and 8,776 dvt in the Revised 1993 Loudoun County Zoning Ordinance. Peak hour levels of service in the traffic study (forecast year 2009) for the intersection of Beaumeade Circle (South) and Loudoun County Parkway were C if a traffic signal were installed at the intersection (assuming the inclusion of the gun club).

Comment 2: How to determine transportation improvements for zoning conversions, if any, is being considered. Please note this applicant is already working with the Stonegate project to provide improvements on Smith Switch Road. It would be appreciated if the applicant could document these improvements.

Response: The applicant is working with the adjoining owner to provide a full paved two-lane road for all of Smith Switch Road along this property's frontage.

Status: The improvements to Smith Switch Road are appreciated.

CONCLUSION

If a traffic signal is installed at the intersection of Loudoun County Parkway and Beaumeade Circle (South), acceptable service levels are likely in the vicinity of the Merritt Tract. Absent the signal, the zoning conversion would aggravate the current LOS which is not adequate.

cc: Charles Yudd, Assistant County Administrator
Andy Beacher, Assistant Director
George Phillips, Senior Transportation Engineer

A-14



May 27, 2008

Mr. Stephen Gardner
Project Manager
Loudoun County
Department of Planning
1 Harrison Street, S.E.
Leesburg, VA 20177-7000

RECEIVED

MAY 29 2008

BUILDING AND DEVELOPMENT

RE: ZMAP 2008-0002 – Beaumeade Merritt Tract

Dear Mr. Gardner:

We are resubmitting herewith the Concept Plan for the above referenced application. Where necessary, changes have been made to the plan to address referral agency comments. Below is a point-by-point response to all agency comments as warranted. We have also included a draft proffer statement.

Community Planning

- *No outstanding issues.*

Virginia Department of Transportation (VDOT)

- *No outstanding issues.*

Building & Development, Zoning

- *Please include the address of the property: 44590 Guilford Dr., Ashburn, VA 20147.*

Response: The address has been added to the plan. (Sheet 1 of 3)

- *County Records show Steep slopes (moderate and very) on the property. Please label and show on the plan.*

Response: The area shown as steep slopes on the County map was actually an old earth work stock pile area. As part of the approved site plan for this project, the stock pile was removed from the site. Therefore, no regulatory steep slopes exist on the site as of the submission of this application.

- *On Site Note #20, the development should comply with Section 4-1400 of the Revised 1993 Zoning Ordinance.*

Response: The note has been revised. (Sheet 1 of 3)

ATTACHMENT 2

- According to County Records, the owner's zip code is 21244-2501.

Response: The owner's information and zip code have been updated, per County records. (Sheet 1 of 3)

- On Sheet 2 under adjacent Property Owners: #2 land use is warehouse, and #10 land use is vacant.

Response: The adjoining land uses have been corrected. (Sheet 2 of 3)

- On Sheet 3 and along the Northwest property line, the parking setback is 60-feet and the building setback is 75-feet according to Section 4-505(B)(2).

Response: Along the western and northwestern boundary of the site, the property abuts the ROW of Smith Switch Rd. Smith Switch Rd. is designated as a minor collector road in the CTP. Therefore, the setbacks in these areas are governed by Sect. 4-505(B)(1), and not Sub Para. (2). The appropriate setbacks have been identified on Sheet 3.

- Per Section 5-900, please label the 25-foot building setback along the W&OD trail.

Response: The 25' setback has been labeled. (Sheet 3 of 3)

- In the Statement of Justification under property description, the rezoning appears to cover 44.76 acres, not 45.74 acres.

Response: The correct acreage for the site is 44.76 acres. The Statement of Justification has been updated to show this acreage.

Office of Transportation Services (OTS)

- The County is working toward a streamlined process for doing traffic studies for zoning conversions. However, this is currently a work in progress. A report is being prepared for the April 28 meeting of the BOS Transportation and Land Use Committee that looks at roads, operating levels and traffic generation comparisons within the Route 28 Tax District. A map of the Route 28 Tax District is being prepared that will identify key roads, key link volumes (both hourly and daily), and intersection levels of service at primary grade intersections. Also being prepared is written text that will include a description of the primary road status and will include a matrix evaluating the trip increases between the 1972 and 1993 Zoning Ordinances and the 1993 and Revised 1993 Zoning Ordinance. George Phillips is coordinating with John Merrithew to pull together the land use matrix and collect volumes and growth rates for road links, link volumes, and LOS.

Response: As part of the recent Special Exception application for a portion of this property, the applicant did a traffic study and made a monetary contribution for a traffic signal or other road improvements in the area.

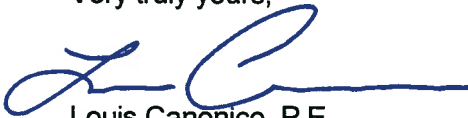
Mr. Stephen Gardner
ZMAP 2008-0002
May 27, 2008
Page 3

- *How to determine transportation improvements for zoning conversions, if any, is being considered. Please note this applicant is already working with the Stonegate project to provide improvements on Smith Switch Road. It would be appreciated if the applicant could document these improvements.*

Response: **The applicant is working with the adjoining owner to provide a full paved two-lane road for all of Smith Switch Rd. along this property's frontage.**

We trust that with the changes made to the Concept Plan and the responses to the referral agency comments that the staff will now find this application acceptable. We would request that you move the application forward to the next available Planning Commission hearing date. We look forward to the staff's favorable recommendation of this application. If you have any questions on the above or the enclosed please feel free to contact us.

Very truly yours,



Louis Canonico, P.E.
Regional Vice President

LC/dml

cc: Mr. Michael Larkin
Mr. Ken Jonmaire

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christopher consultants
engineering · surveying · land planning

June 24, 2008

Mr. Stephen Gardner
Loudoun County
Department of Planning
1 Harrison Street, S.E.
Leesburg, VA 20177-7000



RE: ZMAP 2008-0002 Beaumeade Merritt Tract

Dear Mr. Gardner:

Included herewith are our responses to the referrals received in regards to the above referenced application. Where necessary, we have revised the proffers and/or Concept Plan to address these comments. With this letter, we are resubmitting three (3) copies of the revised proffers and 25 copies of the revised CDP.

Plat

1. *Sheet 1, please change "applicant name" to "owner name" above the signature line.*

Response: Change made.

2. *CDP sheet 3: Please label MCPI #060-38-6623 as Parcel B to correspond to the proffer statement.*

Response: Change made.

Proffer Statement

1. *I suggest the first line read, "Merritt-Beaumeade, LLC, the owner of the property, described as Parcel B on Loudoun County Tax Map 80((7))B (PIN #060-38-6623-000), on behalf of themselves and their successors in interest, hereby voluntarily..."*

Response: The first line of the proffer statement has been revised.

2. *The fourth line down on the first page shows "Parcels B." The parcel is singular. I suggest taking the "s" off parcels.*

Response: The typographical error has been corrected.

3. *In the fifth line on the first page, I suggest including "administered under the Revised 1993 Zoning Ordinance" after PD-IP.*

Response: The fifth line of the proffer statement has been revised.

4. *In the seventh line on the first page, I suggest after application to spell out the name of the application, "as Beaumeade Merritt Tract ZMAP 2008-0002 sheets 1 through 3,."*

Response: The proffer statement has been revised as requested.

5. *The last line of the first page, I suggest the line read, "...effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0002 to change the zoning of the Property from PD-IP under the 1972 Zoning Ordinance to PD-IP under the Revised 1993 Zoning Ordinance submitted by the owner."*

Response: **The proffer statement has been revised as requested, except that the property is currently under the 1993 Zoning Ordinance, not the 1972 Zoning Ordinance.**

6. *Page 2, first line, I suggest the line read, "...substantial conformance with Sheet 3 of 3 of the plan set entitled 'Beaumeade Merritt Tract,...' since there are no other matters shown on any other sheets that are referenced on sheet 3.*

Response: **The proffer statement has been revised as requested.**

7. *Page 2, starting in the fourth line down, I suggest deleting "and incorporated herein by reference as Exhibit A." Sheet 3 of the plat is Exhibit A.*

Response: **The phrase has been deleted.**

8. *Page 2, I suggest the fifth line down read, "The sheet identified as: Sheet 3 of 3 - "Concept Development Plat" (1'=200'), shall control..."*

Response: **The proffer statement has been revised as requested.**

9. *Page 2, six lines down, the Concept Development Plat has a scale of 1'=200' according to the plat.*

Response: **The scale has been corrected in the proffer statement.**

10. *Page 2, all references to Loudoun County Sanitation Authority should be changed to Loudoun Water to reflect their new name (proffer II, Lines 3, 5; CDP note 11).*

Response: **All references to Loudoun County Sanitation Authority have been changed to Loudoun Water.**

11. *Although sheet 1 on the plat, site note #8 provides reference to the uses permitted per the R1993 Zoning Ordinance, I suggest that this note referencing the uses be included on either the proffered Sheet 3 or in the Proffer Statement.*

Response: **It is the intent of this application to allow the applicant to avail themselves of all of the permitted or permissible uses as spelled out in the Ordinance. Since the uses are spelled out in the Ordinance, the applicant sees no need to restate them on the CDP or in the proffer statement.**

OTS Comment Memorandum dated June 16, 2008:

Conclusion

If a traffic signal is installed at the intersection of Loudoun County Parkway and Beaumeade Circle (South), acceptable service levels are likely in the vicinity of the Merritt Tract. Absent the signal, the zoning conversion would aggravate the current LOS which is not adequate.

Response: We fail to see how this conversion would aggravate an existing situation as the property was part of the overall Beaumeade development and its development has been anticipated for many years. Indeed, there is an approved Site Plan for this parcel, as such these trips will be generated whether or not this conversion is approved.

We trust that with these responses and revisions to the proffer statement and CDP, that the staff will now find this application approvable. We look forward to the staff's favorable recommendation as this application moves forward to the Planning Commission. If you have any questions or need to discuss any of this information further, please feel free to contact me.

Very truly yours,



Louis Canonico, P.E.
Regional Vice President

LC/dml

cc: Mr. Michael Larkin
Mr. Ken Jonmaire

A-20

**Statement of Justification
Beaumeade Merritt Tract Rezoning
ZMAP 2008-0002
December 21, 2007
Revised May 20, 2008**

Site Location:

Beaumeade Rezoning is more specifically identified as Parcel B on Loudoun County Tax Map 80((7)). This site has been known on previous Loudoun County land development applications as Merritt Beaumeade property, and it was identified as Phase 1 of the Beaumeade Office Park. The site is located at the terminus of Guilford drive, and it fronts on to Smith Switch Road. This property is within the Route 28 Tax District.

Site Description:

The site contains approximately 44.76 acres with approximately 1,400 linear feet of frontage along Smith Switch Road (Route 607), and it is located at the terminus of Guilford Drive. The site is generally rectangular in nature, with the longest side in an east/west direction.

The site is bounded on the south by an existing commercial development, which consists of flex-office and a restaurant. Currently the Dominion Brewery is located within the adjacent building. The land to the west is Smith Switch Road. The applicant has previously dedicated right-of-way along the frontage of Smith Switch Road. The land to the north is the W&OD Trail. The land to the east is part of the Beaumeade Corporate Park. Similar to the land to the south, this area has been developed as part of the Beaumeade Corporate Park.

The property generally slopes to the west towards Smith Switch Road, and it is currently under construction per the approved site plan for flex-office use. There is a SWM/BMP facility that has been constructed at the western portion of the site. Additionally, there is a SWM/BMP facility that has been constructed at the southern portion of the site. All vegetation has been removed from the site, and a vast amount of landscaping has been installed per Site Plan STPL-2006-0012, approved March 2, 2007, and STPL 2006-0069, approved October 3, 2007.

Project Description:

The applicant for the Beaumeade – Merritt Tract desires to rezone 44.76 acres to the PD-IP (Planned Development-Industrial Park) under the Revised 1993 Zoning Ordinance to allow up to a max of 0.4 FAR. The applicant is proposing to terminate Guilford Drive at its current location, and has provided right-of-way dedication for the cul-de-sac of Guilford Drive. Additionally, the applicant has provided right-of-way dedication, and they have coordinated the frontage improvements along Smith Switch Road with the developer of Stonegate. As mentioned above, the applicant has an approved Site Plan for the development of 705,750 s.f. of flex/office use, and currently there are four buildings that have been constructed.

General:

The property lies within a portion of the County that has been designated by the County's Comprehensive Plan to be served by public water and sanitary sewer. The Loudoun County Sanitation Authority (LCSA) will provide sewer service to this portion of the County through the extension of existing sanitary sewer lines and water lines to the west of the site that have been extended into this site.

Project Justification:

This application is for the conversion of the zoning ordinance which governs development of this property from the 1993 Zoning Ordinance to the Revised 1993 Zoning Ordinance, and the zoning district will remain PD-IP. This zoning ordinance conversion allows for a greater flexibility in the potential uses that are allowed by right and by special exception from the Board of Supervisors. Additionally, by making this property subject to the current zoning ordinance, the county's vision, as identified in the Revised General Plan, is being implemented through the current zoning district requirements.

In terms of specific information to be considered by Loudoun County for a Zoning Map Amendment Application, the applicant would offer the following.

1. Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

- The proposed development is consistent with that which is allowed for this portion of the County in the Revised General Plan. The Revised General Plan identifies this subject property area as planned for Business uses. The applicant is proposing to retain the PD-IP zoning classification, which is consistent with the planned land use. The only change is to bring the property under the Revised 1993 Zoning Ordinance. The Revised 1993 Zoning Ordinance more fully implements the goals of the County's Revised General Plan.
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- There has not been any changed or changing conditions in this area that have an affect to this proposed rezoning, due to the by-right development of the Beaumeade Corporate Park, however this rezoning is proposing a conversion to the current Zoning Ordinance. Additionally, the remapping retains the commercial zoning district.
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
- The ranges of uses proposed in this application are compatible with the uses of the adjacent properties, due to the abutting PD-IP zoning.
4. Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
- The Loudoun County Sanitation Authority currently provides water and sewer service to The Beaumeade Corporate Park, and specifically to the subject property. Additionally, the subject property is currently zoned PD-IP, and based on the trip comparison of the worst case scenario of the current zoning to the proposed zoning district, the proposed zoning does

not indicate any adverse impact above any by-right development that could be developed at the site. The original Beaumeade Corporate Park development application provided substantial transportation improvements in this area of Loudoun County. Since the application is for commercial use, it will result in a new positive tax generation for the County.

5. The effect of the proposed rezoning on the County's ground water supply.
 - This proposed zoning will have no adverse impact on the County's ground water supply. The applicant's detailed design will meet or exceed County requirements in terms of storm water management and best management practices, thus addressing the quality and quantity of storm water runoff.
6. The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.
 - As on-going development in this portion of the County has shown, with proper engineering, the on-site soils have the necessary structural capacity to support the proposed type of development.
7. The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.
 - Per our meeting with George Phillips, from the Department of Building and Development, a trip comparison report has been prepared to compare the highest and best use of both the 1993 Zoning Ordinance and the Revised 1993 Zoning Ordinance. Since this application only seeks to change the ordinance that governs this area and does not change the zoning district, there should be no differing impacts in terms of traffic or traffic safety.

8. Whether a reasonably viable economic use of the subject property exists under the current zoning.

- The subject site is currently approved for by-right PD-IP development per the 1993 Zoning Ordinance. While this would provide an economically viable use for the property, the applicant believes it is the County's goal to have the property zoned in a fashion that is consistent with the current zoning ordinance to allow for a maximum amount of flexibility for the proposed uses. The applicant believes that this rezoning is more in concert with the goals of the General Plan. Therefore, while the existing approved uses may be economically viable, it is not necessarily desirous from the County standpoint in terms of the County's overall planning goals.

9. The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

- The applicant believes that the development plan generated for this rezoning has been as sensitive to the environment and the natural features as this type of commercial development and density can be. The necessary landscape buffers shall be provided to negate any adverse impacts of the proposed rezoning. The applicant will incorporate all necessary measures to ensure that water quality standards are maintained at the County's best management practices level.

10. Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

- The applicant believes that this rezoning encourages economic development activities in the area designated by the Revised General Plan by providing a greater flexibility of uses that are allowed under the current Zoning Ordinance.

11. Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

- The proposed rezoning does consider the need for future industry and business growth, by giving the property a greater flexibility of uses that are allowed. This supports one of the prime planning goals of the Revised General Plan considering the Revised 1993 Zoning Ordinance was adapted to further implement the Revised General Plan.

12. Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

- The proposed rezoning does consider the current and future requirements of the community, by bringing the current zoning of the land to be developed under the current Zoning Ordinance, which we believe makes the development more competitive in terms of what users are looking for today.

13. Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

- The proposed rezoning encourages the conservation of properties and their values and the encouragement of the more appropriate use of the land throughout the County by proposing a use for property that is in concert with the County's General Plan and the Revised 1993 Zoning Ordinance.

14. Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.

- The proposed rezoning considers the trends of growth or changes, employment, and economic factors, and the probable future economic and population growth of the County by increasing the marketability and having the flexibility of uses that are allowed within the proposed zoning district. This will result in a more marketable product in an area the County has deemed appropriate for business uses and growth.

15. The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

- The proposed rezoning does not provide for residential housing.

16. The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

- The applicant has carefully designed this project, so as to be sensitive to the natural and scenic characteristics of the sites as this commercial type of development allows. The applicant has honored the Revised General Plan's "Green Infrastructure" requirements. The development will adhere to all Federal, State and County regulations in terms of storm water management and best management practices, and also erosion and sediment control requirements, thus further protecting the existing natural environment.

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated February 25, 2008 for the application of Beaumeade
(enter date of affidavit)

Merritt Properties, L.L.C.

(enter name(s) of applicant(s))

in Application Number(s): ZMAP 2008-0002

(enter application number(s))

I, **Louis Canonico**, do hereby state that I am an

(check one) ☐ applicant (must be listed in Paragraph B of the above-described affidavit)

☒ applicant's authorized agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) ☒ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of June 24, 2008
(enter today's date)

☐ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

☐ Paragraph B-1

☐ Paragraph C-1

☐ Paragraph B-2

☐ Paragraph C-2

☐ Paragraph B-3

☐ Paragraph C-3

WITNESS the following signature: 

(check one) ☐ applicant ☒ applicant's authorized agent

Louis Canonico – Regional Vice President

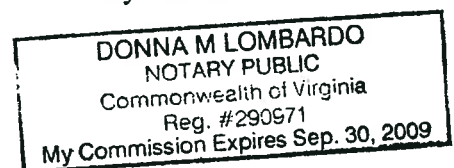
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 24th day of June, 2008
in the State/Commonwealth of Virginia, County/City of London.



Notary Public

My Commission expires: September 30, 2009



APPLICATION NUMBER: _____

I, Gary Schafer, do hereby state that I am an
 _____ applicant

☒ applicant's authorized agent listed in Section B.1. below

in application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES

1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold, above)
	Gary D. Schafer	20110 Ashbrook Place, Suite 160 Ashburn, VA 20147	Planning Manager

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

___ Real Parties of Interest information is continued on an additional copy of page B-1

If multiple copies of this page are provided please indicate Page 1 of 13 pages.

DATE AFFIDAVIT IS NOTARIZED: _____
APPLICATION NUMBER: _____

Page B 2

I, Merritt Properties, LLC do hereby state that I am the:

☒ applicant

☐ applicant's authorized agent listed in Paragraph B.1. below

in application Number(s): _____
and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES

1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (MCPI) of the parcel(s) for each owner(s).

MCPI	NAME (first, M.I., last)	ADDRESS (str, city, state, zip code)	RELATIONSHIP (listed in bold, above)
/80//7////B/ 060-38-6623-000	Merritt Properties, LLC	20098 Ashbrook Place, Suite 160, Ashburn, Virginia 20147	Applicant and Class A and Managing Member of: Merritt-BM1, LLC; Sole and Managing Member of: Merritt-BM2, LLC
/80//7////B/ 060-38-6623-000	Merritt-BM1, LLC	2066 Lord Baltimore Drive, Baltimore, Maryland 21244	Title Owner, Tenant in Common with Merritt- BM2, LLC
/80//7////B/ 060-38-6623-000	Merritt-BM2, LLC	2066 Lord Baltimore Drive, Baltimore, Maryland 21244	Title Owner, Tenant in Common with Merritt BM1, LLC
/80//7////B/ 060-38-6623-000	Kramon & Graham, P.A.	One South Street, Suite 2600, Baltimore, Maryland 21202	Attorney
/80//7////B/ 060-38-6623-000	Christopher Consultants, Ltd.	20110 Ashbrook Place, Suite 160, Ashburn, Virginia 20147	Agent-Engineer

DATE AFFIDAVIT IS NOTAR _____
APPLICATION NUMBER: _____

Page B 1

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☒

Real Parties of Interest information is continued on an additional *page* B-4

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

christopher consultants, ltd. 9900 Main Street, 4th Floor, Fairfax, VA 22031

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.* *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.* *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Christopher W. Brown	
William R. Goldsmith, Jr.	
Louis Canonico	
William R. Zink	
Ruth R. Fields	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Christopher W. Brown	President
William R. Goldsmith, Jr.	Exec. V.P. / Secretary
Louis Canonico	Vice President
William R. Zink	Vice President
Ruth R. Fields	Treasurer

Check if applicable:

 Additional shareholder information is continued on an additional copy of page B-2If multiple copies of this page are provided please indicate Page 4 of 13 pages.

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Merritt-BM1, LLC

Description of Corporation:

☒

There are 100 or fewer shareholders and all shareholders are listed below.

☐

There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

☐

There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Merritt Properties, LLC	
Summers Beaumeade, LLC	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Merritt Properties, LLC	Managing Member
Leroy M. Merritt	Chief Executive Officer
Scott E. Dorsey	President
Robb L. Merritt	Vice-President

Check if applicable:

☒

Additional shareholder information is continued on an additional page B-5

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Merritt Properties, LLC

Description of Corporation:

☒

There are 100 or fewer shareholders and all shareholders are listed below.

☐

There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

☐

There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Merritt Holdings, LLC	
Leroy M. Merritt 1999 Family Trust	
Leroy M. Merritt	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Leroy M. Merritt	Chief Executive Officer
Scott E. Dorsey	President
Robb L. Merritt	Vice-President

Check if applicable:

☒

Additional shareholder information is continued on an additional page B-6

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Merritt Holdings, LLC

Description of Corporation:

- ☒ *There are 100 or fewer shareholders and all shareholders are listed below.*
- ☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*
- ☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
See Exhibit A attached hereto	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Leroy M. Merritt	Chief Executive Officer
Scott E. Dorsey	President
Robb L. Merritt	Vice-President

Check if applicable:

☒ Additional shareholder information is continued on an additional page B-7

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Leroy M. Merritt 1999 Family Trust

Description of Corporation:

☒

There are 100 or fewer shareholders and all shareholders are listed below.

☐

There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

☐

There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Beneficiaries: Leroy M. Merritt's Grandchildren	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Scott E. Dorsey	Trustee
Robb L. Merritt	Trustee

Check if applicable:

☒

Additional shareholder information is continued on an additional page B-8

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Summers Beaumeade, LLC

Description of Corporation:

☒

There are 100 or fewer shareholders and all shareholders are listed below.

☐

There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

☐

There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Roger S. Clements	
Andy Georgelakos	
Kevin Goeller	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Roger S. Clements	Member
Andy Georgelakos	Member
Kevin Goeller	Member

Check if applicable:

☒

Additional shareholder information is continued on an additional page B-9

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Merritt-BM2, LLC

Description of Corporation:

☒

There are 100 or fewer shareholders and all shareholders are listed below.

☐

There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

☐

There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Merritt Properties, LLC	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Leroy M. Merritt	Chief Executive Officer
Scott E. Dorsey	President
Robb L. Merritt	Vice-President
Merritt Properties, LLC	Managing Member

Check if applicable:

☐

Additional shareholder information is continued on an additional page B-__

DATE AFFIDAVIT IS NOTARIZED: _____
APPLICATION NUMBER: _____

Page B 10

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Kramon & Graham, P.A.

Description of Corporation:

- ☒ *There are 100 or fewer shareholders and all shareholders are listed below.*
- ☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*
- ☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Kevin F. Arthur	Andrew J. Graham
Philip M. Andrews	Susan M. Hogan
Gertrude C. Bartel	Max H. Lauten
Cynthia A. Berman	Lee H. Ogburn
John A. Bourgeois	Aron U. Raskas
John F. Dougherty	Jeffrey H. Scherr
Marilyn H. Fisher	David J. Shuster
Geoffrey H. Genth	James P. Ulwick

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Philip M. Andrews	President
Gertrude C. Bartel	Assistant Secretary
Andrew J. Graham	Vice President
Lee H. Ogburn	Secretary
Jeffrey H. Scherr	Treasurer
James P. Ulwick	Vice President

Check if applicable:

☐ Additional shareholder information is continued on an additional page B-__

APPLICATION NUMBER: _____

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

____ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)

Check if applicable:

____ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must be checked**

____ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

X Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

____ Additional information for Item B. 3. is included on an additional copy of page B-3.

If multiple copies of this page are provided please indicate Page 1 of 2 pages.

DATE AFFIDAVIT IS NOTARIZED: _____
APPLICATION NUMBER: _____

Page B 3

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the partners, both general and limited, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

☐ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the partners (enter first name, middle initial, last name, and title, e.g. general partner, limited partner, or general and limited partner)

NAME (First, M.I., Last)	TITLE (e.g. general partner, limited partner, etc)

Check if applicable:

☐ Additional Partnership information is included on an additional page B-__.

4. One of the following boxes must be checked

☐ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

x Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information for Item B. 4. is included on an additional page B-__.

C. VOLUNTARY DISCLOSURE

1. That no member of the Loudoun County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

NONE

2. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household and family, either individually, or by way of partnership in which any of them is an officer, director, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 1% or more of the outstanding bonds or shares of stock of a particular class, **has or has had any business or financial relationship**, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$100 or more, singularly or in the aggregate with any of those listed in Section B, above.

EXCEPT AS FOLLOWS: (If none, so state).

NONE

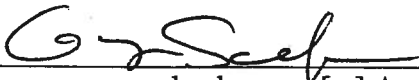
☐ Additional County-Official information is included on an additional *page B-__*.

APPLICATION NUMBER: _____

D.

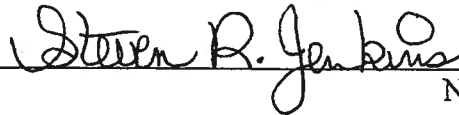
That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Section C. above, that arise on or after the date of this application.

WITNESS the following signature:

check one: ☐ Applicant or ☒ Applicant's Authorized Agent**Gary Schafer, Planning Manager**

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 25TH day of FEBRUARY 2008, in
the State/Commonwealth of VIRGINIA, in the County/City of LOUPOUN.



Notary Public

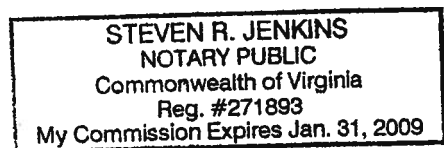
My Commission Expires: JANUARY 31, 2009

Exhibit A

Ownership of Merritt Holdings, LLC

Merritt Class A Members	Merritt Class B 1999, LLC Members	Merritt Class B 2000, LLC Members	Merritt Class B 2003, LLC Members
Adkins, Lenny	Adkins, Leonard	Adkins, Lenny Jr	Adkins, Lenny Jr
Bruno, Mike	Adkins, Leonard, Jr.	Bagley, Vince	Bagley, Vince
Carter, Tom	Adkins, Eunice Marie	Boeri, Lou	Boeri, Lou
Cummings, Paul	Adkins, William H.	Brady, Don	Brady, Don
Dorsey, Gary R. Revocable Trust	Bagli, Vince	Bruno, Mike	Bruno, Mike
Dorsey, Scott	Boeri, Lou	Campbell, Joe	Campbell, Joe
FWAP, Inc.	Brady, Don	Colin, Octavio	Colin, Octavio
Good, Jeff	Bruno, Michael	Devaney, Katherine	Devaney, Katherine
Gross, Joe	Campbell, Joe	Dorsey, Scott	Dorsey, Scott
Grove, Harry Revoc. Trust	Colin, Octavio	Dorsey, C Trustee	Dorsey, C Trustee
Haigley, Nancy 2004 Grantor Trust	Devaney, Katherine	Dull, Sharon	Dull, Sharon
Haigley, Stephen Trust	DiBerardo, Lisa	Ellerbe, Dana	Ellerbe, Dana
Howard, Bob	Dorsey, Scott	Fairbank, Dave	Fairbank, Dave
Hundt, Janice	Dorsey, C, Trustee for Luke & Jamie	Fairbank, Will	Fairbank, Will
Kaminski, Josie	Dull, Sharon	Franklin, Pat	Franklin, Pat
King, Sharon	Ellerbe, Dana	Goldberg, Sandra	Goldberg, Sandra
Lipsitz, Ben	Ervin, Craig	Good, Jeff	Good, Jeff
Lipsitz, Ellie	Fairbank, Dave	Greenstreet, David	Greenstreet, David
MM 1999 Family Trust	Fairbank, William	Haigley, 2004 Grantor Trust	Hankin, Elbert
Merritt Family Investments	Franklin, Pat	Hankin, Elbert	Hankin, Elbert
Merritt Operations Corp.	Goldberg, Sandy	Jackson, Charles	Jackson, Charles
Merritt, Leroy	Good, Jeff	Jones, Randy	Jones, Randy
Merritt, Remy Trust #1	Greenstreet, David	Jones, Ron	Jones, Ron
Merritt, Robb	Haigley, 2004 Grantor Trust	Kaminski, Josie	Kaminski, Josie
Merritt, Robb Trust No. 2	Hankin, Elbert	King, Sharon	King, Sharon
Miller, Skip	Jackson, Charles	Krainer, Stacey	Krainer, Stacey
MMD Holdings Inc.	Jones, Randy	Larkin, Mike	Larkin, Mike
Pabich, Bernard	Jones, Ron	MM 1999 FT	MM 1999 FT
Pabich, Romaine	Kaminski, Josephine	Lozoskie, Eugene	Lozoskie, Eugene
Parson, Ed	King, Sharon	Lozoskie, Phil	Lozoskie, Phil
Parson, Mary	Krainer, Stacey	Mathis, Charles	Mathis, Charles
Pellington, Bill	Larkin, Michael	Merritt, Remy M. Trust	Merritt, Remy M. Trust
Peterson, Dale	MM 1999 Family Trust	Merritt, Robb	Merritt, Robb
Peterson, Melissa Trust	Lozoskie, Eugene	Meuche, Beth	Meuche, Beth
Popyer, Marilyn	Lozoskie, Phil	Miller, Skip	Miller, Skip
Robb I Corp.	Mather, Cindy	Moran, Charles	Moran, Charles
Rohrbaugh, Charles	Mathis, Charles	Myers, Pat	Myers, Pat
		Owens, Scott	Owens, Scott

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Exhibit A

Ownership of Merritt Holdings, LLC

Rohrbaugh, Margaret	Merritt, Remy M. Trust	Owens, Scott	Pabich, John	Pabich, John
Sterck, Dauphne	Merritt, Robb	Pabich, John	Pabich, Matt	Pabich, Matt
Swatko, Gary	Meuche, Beth	Pabich, Matt	Pallace, Dan	Pallace, Dan
Truchon, Margaret	Miller, Skip	Pallace, Dan	Peterson, Dale	Peterson, Dale
	Moran, Charles	Peterson, Dale	Roff, Calvin	Roff, Calvin
	Myers, Pat	Roff, Calvin	Rohrbaugh, Charles	Rohrbaugh, Charles
	Owens, Scott	Rohrbaugh, Charles	Lorentson, Jesse	Lorentson, Jesse
	Pabich, John	Lorentson, Jesse	Lorentson, Carole	Lorentson, Carole
	Pabich, Matt	Lorentson, Meaghan	Blauaiak, Jonathan	Blauaiak, Jonathan
	Palace, Dan	Blauaiak, Jonathan	Thomas, Charlotte	Thomas, Charlotte
	Peterson, Dale	Thomas, Charlotte	Blauaiak, Amy	Blauaiak, Amy
	Ramsay, Dean	Blauaiak, Amy	Scaggs, Gena	Scaggs, Gena
	Roff, Calvin	Scaggs, Gena	Serna, Robert	Serna, Robert
	Rohrbaugh, Charles	Serna, Robert	Shaw, Steve	Shaw, Steve
	Scaggs, Gena	Shaw, Steve	Sigafoose, Jocelyn	Sigafoose, Jocelyn
	Schonbachler, Julianne	Sigafoose, Jocelyn	Simon, Walter	Simon, Walter
	Serna, Robert	Simon, Walter	Smith, James	Smith, James
	Shaw, Steve	Smith, James	Snowden, Senora	Snowden, Senora
	Sigafoose, Jocelyn	Snowden, Senora	Sprinkel, Carl	Sprinkel, Carl
	Simon, Walter	Sprinkel, Carl	Sterck, Dauphne	Sterck, Dauphne
	Smith, James	Sterck, Dauphne	Stinchcomb, Michael	Stinchcomb, Michael
	Snowden, Senora	Stinchcomb, Michael	Swatko, Gary	Swatko, Gary
	Sprinkel, Carl	Swatko, Gary	Truchon, Robert	Truchon, Robert
	Sterck, Dauphne	Truchon, Robert	Truchon, Margaret	Truchon, Margaret
	Stinchcomb, Michael	Truchon, Margaret	Wells, Sheila	Wells, Sheila
	Swatko, Gary	Wells, Sheila	Alloway, James	Alloway, James
	Truchon, Robert	Alloway, James	Arnstein, Bob	Arnstein, Bob
	Truchon, Margaret	Arnstein, Bob	Asbury, Joshua	Asbury, Joshua
	Welch, Clay	Asbury, Joshua	Bennett, Ridgely	Bennett, Ridgely
	Wells, Sheila	Bennett, Ridgely	Beno, Miro	Beno, Miro
		Beno, Miro	Brennermann, Tamra	Brennermann, Tamra
		Brennermann, Tamra	Brinn, George	Brinn, George
		Brinn, George	Bubczyk, Mark	Bubczyk, Mark
		Bubczyk, Mark	Calcutt, Bradford	Calcutt, Bradford
		Calcutt, Bradford	Campbell, Raymond	Campbell, Raymond
		Campbell, Raymond	Castillo, Abel	Castillo, Abel
		Castillo, Abel	Chew, Torrey	Chew, Torrey
		Chew, Torrey	Cornell, Bryan	Cornell, Bryan
		Cornell, Bryan	Creamer, Jr., Robert	Creamer, Jr., Robert
		Creamer, Jr., Robert	Dempsey, Michael	Dempsey, Michael
		Dempsey, Michael	Dixon, James	Dixon, James
		Dixon, James	Dorsey, Gary	Dorsey, Gary
		Dorsey, Gary	Douglas, Elizabeth	Douglas, Elizabeth
		Douglas, Elizabeth	Dunn, Eric	Dunn, Eric
		Dunn, Eric	Ettlin, Stuart	Ettlin, Stuart
		Ettlin, Stuart	Farmer, Holly	Farmer, Holly
		Farmer, Holly		

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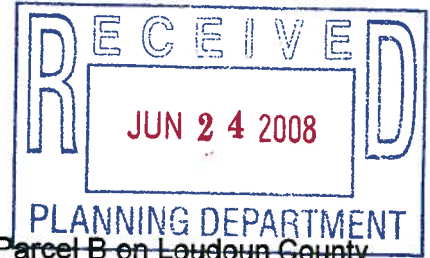
Exhibit A

Ownership of Merritt Holdings, LLC

Cornell, Bryan	Foard, Stuart
Creamer, Jr., Robert	Grauer, John
Dempsey, Michael	Godoy, Nancy
Dixon, James	Hankins, Thomas
Dorsey, Gary	Holland, Gordon
Dorsey, Luke	Kaminski, Kristie
Dorsey, GR Irrevocable Trust	Klipp, Charles
Douglas, Elizabeth	Knoll, Christopher
Dunn, Eric	Lehman, Stacey
Eitlin, Stuart	Levering, Whitaker
Farmer, Holly	Lewis, Jennifer
Foard, Stuart	Lowery, Clarence
Grauer, John	Marshall, Rodney
Godoy, Nancy	McCauley, Andy
Hankins, Thomas	Mento, Mark
Holland, Gordon	Meyer, Enzle
Kaminski, Kristie	Moran, Michael
Klipp, Charles	Moye, Holly
Knoll, Christopher	Musco, Stephen
Lehman, Stacey	Redd, Mindy
Levering, Whitaker	Rukenbrod, Ethel
Lewis, Jennifer	Scheiner, Michael
Lowery, Clarence	Shuck, Janet
Marshall, Rodney	Vasquez, Teodoro
McCauley, Andy	Wallace, Clifton
Mento, Mark	Welliver, Thomas
Meyer, Enzle	White, Richard
Moran, Michael	
Moye, Holly	
Musco, Stephen	
Redd, Mindy	
Rukenbrod, Ethel	
Scheiner, Michael	
Shuck, Janet	
Vasquez, Teodoro	
Wallace, Clifton	
Welliver, Thomas	
White, Richard	

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PROFFER STATEMENT
BEAUMEADE MERRITT TRACT
ZMAP 2008-0002
JUNE 23, 2008



Merritt-Beaumeade, L.L.C., the owner of the property described as Parcel B on Loudoun County Tax Map 80((7))B (PIN #060-38-6623-000), on behalf of themselves and their successors in interest, hereby voluntarily proffer that in the event that the above referenced Parcel B (the "Property") is rezoned by the Loudoun County Board of Supervisors (herein after referred to as "the County") to the Planned Development-Industrial Park zoning district administered under the Revised 1993 Zoning Ordinance, as substantially set forth in the Concept Development Plan dated December 20, 2007, with revisions through June 23, 2008, and further described in its application as Beaumeade Merritt Tract ZMAP 2008-0002 sheets 1 through 3, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffer conditions are the only conditions offered on this rezoning, and any prior conditions applicable to the Property are hereby declared void and of no effect provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0002 to change the zoning of the property from PD-IP under the 1993 Zoning Ordinance to PD-IP under the Revised 1993 Zoning Ordinance submitted by the owner.

ATTACHMENT 5

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with Sheet 3 of 3 of the plan set entitled "Beaumeade Merritt Tract", dated December 20, 2007, with revisions through June 23, 2008, prepared by christopher consultants, ltd. The sheet identified as: Sheet 3 of 3 – "Concept Development Plat" (1"=200'), shall control the general development, layout and configuration of the Property, provided that all requirements of the PD-IP zoning district of the Revised 1993 Zoning Ordinance must be met and will take precedence over the Concept Development Plan.

II. WATER AND SEWER

The Property will be served by public water and sewer systems. All necessary extensions of public water and sanitary sewer lines, and all connections, shall be provided to the Property at no expense to Loudoun County or Loudoun Water. Said water and sanitary sewer extensions and connections shall be in accordance with Loudoun Water standards and requirements. Any and all existing wells and drainfields on the Property will be abandoned in accordance with Health Department standards.

The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly with the other owners affixing their signatures hereto, and that the foregoing proffers are entered into voluntarily.

Merritt-Beaumeade, L.L.C., by

Signature

Name: _____

Title: _____

Date: _____

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____ 2005.

My Commission Expires:

Date

Notary Public